

Order

Michigan Supreme Court
Lansing, Michigan

February 6, 2008

Clifford W. Taylor,
Chief Justice

135165

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 135165
COA: 266208
Ingham CC: 04-000072-FH

DARNELL WALKER, JR.,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the September 6, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the second and third paragraphs of Part II(C) and all of Part II(D) of the September 6, 2007 judgment of the Court of Appeals. These portions of the Court of Appeals discussion of the notice requirement and the “good-faith exception” to the 180-day rule statute, MCL 780.131, are dicta. In all other respects, the application for leave to appeal is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court prior to the completion of the proceedings ordered by the Court of Appeals.

We do not retain jurisdiction.

CAVANAGH and KELLY, JJ., would simply deny leave to appeal.



d0130

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 6, 2008

Corbin R. Davis

Clerk